PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
David Kirn and Steve H. Thorne

Serial No.: 10/524,932

Filed: January 4, 2006

For: METHODS AND COMPOSITIONS CONCERNING POXVIRUSES AND CANCER

Group Art Unit: 1648

Examiner: Li, Bao Q.

Atty. Dkt. No.: KIRN:002US

Confirmation No.: 1635

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

June 5, 2007
Date

Charles P. Landrum

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g), (h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be

construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Supplemental Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/KIRN:002US.

This application may be related by inventorship and subject matter to co-pending U.S. application number 11/470,951, filed September 7, 2006.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

Charles P. Landrum
Reg. No. 46,855
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: June 5, 2007

Form PTO-1449 (modified)	Atty. Docket No.: KIRN:002US	Serial No.: 10/524,932
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Applicant: David Kirn, Steve H. Thorne	
	Filing Date: January 4, 2006	Group: 1648

U.S. Patent Documents	Foreign Patent Documents	Other Art
See Page 1	*See Page 1*	*See Page 1-3*

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A13	2003/0025141	02/06/03	Grimm	257	301	07/19/02
	A14	2003/0086906	05/08/03	Mastrangelo *et al*	424	93.2	11/04/02
	A15	2004/0091995	05/13/04	Schlom *et al.*	435	235.1	07/16/03
	A16	2005/0031643	02/10/05	Szalay *et al.*	424	199.1	06/18/04
	A17	2006/0051370	03/09/06	Szalay *et al.*	424	199.1	09/27/05
	A18	2007/0025981	02/01/07	Szalay *et al.*	424	130.1	09/27/06
	A19	5,656,465	08/12/97	Panicali *et al.*	435	456	05/04/94
	A20	6,475,999	11/05/02	Mastrangelo *et al.*	514	44	06/19/00
	A21	6,521,449	02/18/03	Polack *et al.*	435	320.1	11/04/99
	A22	7,208,313	04/24/07	McCart *et al.*	435	320.1	11/13/01

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Language
	B2	WO 2004/014314	02/19/04	WIPO	English

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C125	Buller and Palumbo, "Poxvirus Pathogenesis," *Microbiol Rev*, 55:80-122, 1991.
	C126	Cantrell *et al.*, "Cloning, sequence, and expression of a human granulocyte/macrophage colony-stimulating factor," *Proc. Natl Acad. Sci. USA*, 82:6250-6254, 1985.
	C127	Dranoff *et al.*, "Vaccination with irradiated tumor cells engineered to secrete murine granulocyte-macrophage colony-stimulating factor stimulates potent, specific, and long-lasting anti-tumor immunity," *Proc. Natl. Acad. Sci. USA*, 90:3539-3543, 1993.

25783450.1

EXAMINER:	DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

Form PTO-1449 (modified)	Atty. Docket No.: KIRN:002US	Serial No.: 10/524,932
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Applicant: David Kirn Steve H. Thorne	
	Filing Date: January 4, 2006	Group: 1648

U.S. Patent Documents	Foreign Patent Documents	Other Art
See Page 1	*See Page 1*	*See Page 1-3*

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C128	Heise *et al.*, "ONYX-015, an E1B gene-attenuated adenovirus, causes tumor-specific cytolysis and antitumoral efficacy that can be augmented by standard chemotherapeutic agents," *Nat Med*, 3:639-45, 1997.
	C129	Isaacs *et al.*, "Vaccinia virus complement-control protein prevents antibody-dependent complement-enhanced neutralization of infectivity and contributes to virulence," *Proc. Natl. Acad. Sci. USA*, 89(2):628-32, 1992.
	C130	Kim *et al.*, "167. Both Oncolysis and Tumor Immunity Are Involved in an Antitumoral Efficacy by Intratumoral Injection of Recombinant Vaccinia Virus (TK Deleted, hGM-CSF Inserted Wyeth Strain) in a VX2 Rabbit Model," *Mol. Therapy*, 11:67, 2005.
	C131	Kim *et al.*, "Systemic Armed Oncolytic and Immunologic Therapy for Cancer with JX-594, a Targeted Poxvirus Expressing GM-CSF," *Mol Ther*, 14:361-70, 2006.
	C132	Kirn *et al.*, "Systemic Oncolytic and Immunologic Therapy for Cancer with JX-594, a Targeted Poxvirus Expressing GM-CSF," *Mol. Ther.*, 13:S244-S245, 2006.
	C133	Lee *et al.*, "406. Enhancedc Vaccinia-meditated Antitumor Response after Specific Inhibiton of the Cellular Immune Response," *Mol. Ther.*, 1:S156-S157, 2000.
	C134	Mastrangelo and Lattime, "Virotherapy clinical trials for regional disease: in situ immune modulation using recombinant poxvirus vectors," *Cancer Gene Ther.*, 9:1013-1021, 2002.
	C135	Mastrangelo *et al.*, "Intralesional Vaccinia/GM-CSF Recombinant Virus in the Treatment of Metastatic Melanoma," *Adv. Exp. Med. Biol.*, 465:391-400, 2000.
	C136	Mastrangelo *et al.*, "Intratumoral recombinant GM-CSF-encoding virus as gene therapy in patients with cutaneous melanoma," *Cancer Gene Ther.*, 6:409-422, 1999.
	C137	Parato *et al.*, "Recent Progress in the Battle between Oncolytic Viruses and Tumours," *Nat Rev Cancer*, 5, 965-76, 2005.
	C138	Puhlmann *et al.*, "Thymidine Kinase-Deleted Vaccinia Virus Expressing Purine Nucleoside Phosphorylase as a Vector for Tumor-Directed Gene Therapy," *Hum Gene Ther.*, 10: 649-57, 1999.
	C139	Thorne and Kirn, "Future directions of the field oncolytic virotherapy: a perspective on the use of vaccinia virus," *Expert Opinion Biol. Ther.*, 4:1307-1321, 2004.

EXAMINER:	DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

Form PTO-1449 (modified)	Atty. Docket No.: KIRN:002US	Serial No.: 10/524,932
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Applicant: David Kirn, Steve H. Thorne	
	Filing Date: January 4, 2006	Group: 1648

U.S. Patent Documents	Foreign Patent Documents	Other Art
See Page 1	*See Page 1*	*See Page 1-3*

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C140	Thorne *et al.*, "169. The Creation of Novel Oncolytic Vaccinia Virus Vectors for Efficient Systemic Delivery of Transgenes to Tumors," *Mol. Ther.*, 11:67, 2005.
	C141	Thorne *et al.*, "Rational Strain Selection and Engineering Creates a Broad Spectrum Systemically Effective Oncolytic Poxvirus JX-963," *Article in Press*, 2007.
	C142	Thorne *et al.*, "The Use of Oncolytic Vaccinia Viruses in the Treatment of Cancer: A New Role for an Old Ally?," *Current Gene Therapy*, 5:429-443, 2005.
	C143	Upton *et al.*, "Encoding of a Homolog of the IFN-γ Receptor by Myxoma Virus," *Science*, 258:1369-1372, 1992.

EXAMINER:	DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.